

ORIGINAL

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Attorneys for Dennis Claypool,
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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 20 2006

at 1 o'clock and 00 min. PM
SUE BEITIA, CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

DENNIS CLAYPOOL, individually	)	Civil No. CV04 00570 HG- BMK
and as Guardian Ad Litem for)	
KRISTEN CLAYPOOL, a minor,	)	ORDER DENYING WITHOUT
SHERYL CLAYPOOL, SCOTT	)	PREJUDICE LIMITATION
CLAYPOOL, and KRISTEN	)	PLAINTIFF/DEFENDANT BLUE
CLAYPOOL,	)	DOLPHIN CHARTERS, LTD. AND
Plaintiffs,	)	LIMITATION PLAINTIFF TERRY
vs.	)	DONNELLY'S MOTION
	)	TO COMPEL AUTHORIZATIONS
CAPTAIN ANDY'S SAILING, INC.,	)	FOR RELEASE OF SHERYL
BLUE DOLPHIN CHARTERS, LTD.	)	CLAYPOOL, SCOTT CLAYPOOL
and BLUE DOLPHIN DIVING, INC.,	)	AND KRISTEN CLAYPOOL'S
Defendants.	)	MENTAL HEALTH RECORDS
	)	FILED NOVEMBER 18, 2005

MATTHEW ISHAM, individually	)	CIVIL NO. CV04-00559 HG-BMK
and as Guardian ad Litem for)	
HAYDEN ISHAM, a minor;)	
ROXANNE BEST ISHAM,)	
)	
Plaintiffs,)	
vs.)	
)	
BLUE DOLPHIN CHARTERS,)	
LTD. and BLUE DOLPHIN)	
DIVING, LTD., CAPTAIN)	
ANDY'S SAILING, INC.,)	
)	
Defendants.)	

IN THE MATTER OF THE	)	Civil No. CV05-00037 HG BMK
COMPLAINT OF BLUE DOLPHIN)	
CHARTERS, LTD. AND TERRY)	
DONNELLY, AS OWNERS OF)	
THE VESSEL M/V BLUE)	
DOLPHIN, O/N 1082212, FOR)	
EXONORATION FROM AND/OR	)	Trial date: April 11, 2006
LIMITATION OF LIABILITY)	

ORDER DENYING WITHOUT PREJUDICE LIMITATION
PLAINTIFF/DEFENDANT BLUE DOLPHIN CHARTERS, LTD. AND
LIMITATION PLAINTIFF TERRY DONNELLY'S MOTION
TO COMPEL AUTHORIZATIONS FOR RELEASE OF SHERYL
CLAYPOOL, SCOTT CLAYPOOL AND KRISTEN CLAYPOOL'S
MENTAL HEALTH RECORDS FILED NOVEMBER 18, 2005

Limitation Plaintiff / Defendant BLUE DOLPHIN CHARTERS, LTD. and
Limitation Plaintiff TERRY DONNELLY's (hereinafter collectively referred to as
“Limitation Plaintiff Blue Dolphin”) Motion to Compel Authorizations for Release
of Sheryl Claypool, Scott Claypool and Kristen Claypool's Mental Health Records
filed herein on November 18, 2005 (the “Motion”), having come on for hearing
before Magistrate Judge Barry M. Kurren on December 19, 2005 at 9:30 a.m., with
Randolf L.M. Baldemor, Esq. and Mihoko E. Ito, Esq. appearing on behalf of
Limitation Plaintiff Blue Dolphin, and Harold Hoppe G. Hoppe, Esq. and John
Hillsman, Esq. appearing on behalf of Limitation Claimants Dennis Claypool, Sheryl
Claypool, Kristen Claypool and Scott Claypool;

The Court having reviewed the Motion, the memoranda, declarations and
exhibits filed in support and opposition to the Motion, and having heard the
argument of counsel made at the hearing, and good cause appearing therefor;

IT IS HEREBY ORDERED ADJUDGED AND DECREED that Limitation
Plaintiff Blue Dolphin's Motion is denied without prejudice, subject to

reconsideration by this Court for further action should good cause be shown by Plaintiff that such authorizations are necessary.

DATED: Honolulu, Hawaii, 1. 18. 2006.



MAGISTRATE JUDGE BARRY M. KURREN

In the Matter of the Complaint of Blue Dolphin Charters, Ltd. and Terry Donnelly, as Owners of the Vessel M/V Blue Dolphin, O/N 1082213, for Exoneration from and/or Limitation of Liability, Civil No. CV05-0037 HG-BMK; Matthew Isham et al. v. Blue Dolphin Charters, Ltd., et al., Civil No. CV04-00559 HG-BMK; Dennis Claypool et al. v. Captain Andy's Sailing, Inc., et al., Civil No. CV04-00570 ACK-KSC (CONSOLIDATED), ORDER DENYING WITHOUT PREJUDICE LIMITATION PLAINTIFF/DEFENDANT BLUE DOLPHIN CHARTERS, LTD., AND LIMITATION PLAINTIFF TERRY DONNELLY'S MOTION TO COMPEL AUTHORIZATIONS FOR RELEASE OF SHERYL CLAYPOOL, SCOTT CLAYPOOL AND KRISTEN CLAYPOOL'S MENTAL HEALTH RECORDS FILED NOVEMBER 18, 2005